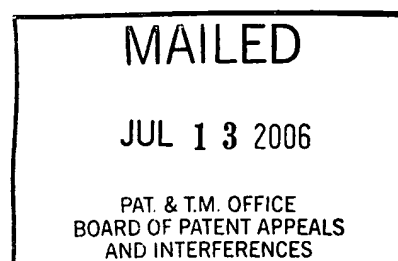


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ROGER A. FRATTI and WARREN K. WASKIEWICZ

Application No. 10/628,941



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on June 29, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

On January 29, 2004, appellants filed an Information Disclosure Statement (IDS). It is not clear from the record whether the examiner considered the IDS submitted or whether the examiner notified appellants of why the submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

Accordingly, it is

ORDERED that this application be returned to the examiner to: 1) consider the Information Disclosure Statement filed January 29, 2004; 2) provide appropriate written

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notification by the examiner to appellants of such consideration; and 3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:

A handwritten signature in black ink, appearing to read 'Dale M. Shaw', is written over a horizontal line.

Dale M. Shaw
Deputy Chief Appeal Administrator
(571) 272-9797

cc: Ryan Mason & Lewis, LLP
1300 Post Road, Suite 205
Fairfield, CT 06824

DMS/tdl